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October 28, 2005

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Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit 1633

Mail Stop Amendment

Re

U.S. Utility Patent Application

Application No. 09/843,922; Filed: April 30, 2001

For: Negative-Sense RNA Virus Vector for Nerve Cell

Inventors:

Fukumura et al.

Our Ref:

2144.0270001/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Fee Transmittal (Form PTO/SB/17);
- 2. Credit Card Payment Form (Form PTO-2038) for \$180.00 to cover the fee for consideration of an Information Disclosure Statement;
- 3. Eleventh Supplemental Information Disclosure Statement;
- 4. Form PTO/SB/08A (1 sheet);
- 5. Form PTO/SB/08B (1 sheet);
- 6. Copies of eleven (11) references (Documents FP1, FP2 and NPL1-NPL9); and
- 7. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC, : 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skqf.com

Commissioner for Patents October 28, 2005 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

RWE/dab 459309_1.DOC Enclosures OTPE 7833 OCT 2 8 2005

3. APPLICATION SIZE FEE

Extra Sheets

Non-English Specification, \$130 fee (no small entity discount)
Other: \$180 consideration of an Information Disclosure Statement

Total Sheets

4. OTHER FEE(S)

Equivalent to Form PTO/SB/17 (12-04)

Fee Paid (\$)

Fees Paid (\$)

180

Approved for use through 07/31/2006. U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork R ersons are required to respond to a collection of information unless it displays a valid OMB control number Effective BANDON 2004. Complete if Known Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). Application Number 09/843,922 FEE TRANSMITTAI Filing Date April 30, 2001 For FY 2005 First Named Inventor Fukumura, M. **Examiner Name** Kelly, Robert M. Applicant claims small entity status. See 37 CFR 1.27 Art Unit 1633 TOTAL AMOUNT OF PAYMENT (\$) 180.00 Attorney Docket No. 2144.0270001/RWE/FRC METHOD OF PAYMENT (check all that apply) Check X Credit Card Money Order None | Other (please identify): X Deposit Account Deposit Account Number: 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C. For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) X Credit any overpayments under 37 CFR 1.16 and 1.17 WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. **FEE CALCULATION** 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **FILING FEES** SEARCH FEES EXAMINATION FEES **Small Entity Small Entity** Small Entity **Application Type** Fee (\$) Fee (\$) Fees Paid (\$) Fee (\$) Fee (\$) Fee (\$) 300 Utility 150 500 250 200 100 200 Design 100 100 50 130 65 Plant 200 100 300 160 150 80 Reissue 300 150 500 250 600 300 Provisional 200 100 0 0 0 2. EXCESS CLAIM FEES **Small Entity** Fee (\$) **Fee Description** Fee (\$) Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 25 Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100 Multiple dependent claims 360 180 **Total Claims Extra Claims** Fee Paid (\$) **Multiple Dependent Claims** - 20 or HP Fee (\$) Fee Paid (\$) HP = highest number of total claims paid for, if greater than 20 **Extra Claims** Indep. Claims Fee (\$) Fee Paid (\$) HP = highest number of independent claims paid for, if greater than 3

SUBMITTED BY						
Signature	Koluhi). Esmon	Registration No. (Attorney/Agent)	32,893	Telephone	(202) 371-2600
Name (Print/Type)	Robert W. Esm	iond			Date O	ctober 28, 2005

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity)

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for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



In re application of:

Fukumura et al.

Appl. No.: 09/843,922

Filed: April 30, 2001

For: Negative-Sense RNA Virus Vector

for Nerve Cell

Confirmation No.: 2336

Art Unit: 1633

Examiner: Kelly, Robert M.

Atty. Docket: 2144.0270001/RWE/FRC

Eleventh Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of the cited documents are enclosed.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

Document FP2 is in a foreign language. The relevance of Document FP2 may be ascertained by reference to Document FP1, which is believed to be an English-language equivalent.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

Date: October 28, 2005

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Substitute for form 1449/PCO TRADEMARY **ELEVENTH SUPPLEMENTAL** INFORMATION DISCLOSURE STATEMENT BY APPLICANT

of

Sheet

(Use as many sheets as necessary)

Application Number	09/843,922
Filing Date	April 30, 2001
First Named Inventor	Fukumura, M.
Art Unit	1633
Examiner Name	Kelly, Robert M.
Attorney Docket Number	2144.0270001/RWE/FRC

Complete if Known

			U.S. PATENT DOG	CUMENTS		
Examiner Cite		Document Number	Publication Date MM-DD-YYYY	Name of Patentee or	Pages, Columns, Lines,	
Initials*	No.1	Number-Kind Code ^{2 (If Known)}		Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	
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		Fo	REIGN PATENT DO	OCUMENTS		
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			Relevant Passages or Relevant Figures Appear	T ⁶
	FP1	EP 1 186 667 A1	03-13-2002	Dnavec Research Inc.		
	FP2	WO 00/70070 A1	11-23-2000	Dnavec Research Inc.		
	FP3					
	FP4					Ш
	FP5					
	FP6					
	FP7					
	FP8					
	FP9					

459112_1.DOC

Examiner	Date	
Signature	Considered	

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PTO/SB/08B (07-05)

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Substitute for form 1449/PTO				Complete if Known		
				Application Number	09/843,922	
ELEVENTH SUPPLEMENTAL INFORMATION DISCLOSURE				Filing Date	April 30, 2001	
				First Named Inventor	Fukumura, M.	
STATEMENT BY APPLICANT				Art Unit	1633	
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Sheet	1	of	1	Attorney Docket Number	2144.0270001/RWE/FRC	

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
	NPL1	De Fiebre, C.M. et al., BIOSIS Abstract No. PREV199497312728:1994	
	NPL2	De Fiebre, C.M. et al. "Differential Adenoassociated Virus Vector-Driven Expression of a Neuropeptide Y Gene in Primary Rat Brain Astroglial Cultures after Transfection with Sendai Virosomes Versus Lipofection TM ," Neurochem. Res. 19:643-648, Plenum Publishing Corporation (1994)	
	NPL3	Kato, A. et al., "Initiation of Sendai virus multiplication from transfected cDNA or RNA with negative or positive sense," Genes to Cells 1:569-579, Blackwell Science Limited (1996)	
	NPL4	Moriya, C. et al., "Large quantity production with extreme convenience of human SDF-1α and SDF-1β BY A Sendai virus vector," FEBS Letts. 425:105-111, Federation of European Biochemical Societies (1998)	
	NPL5	Suzuki, JI. et al., BIOSIS Abstract No. PREV199799702925:1997	
_	NPL6	Suzuki, JI. et al., "Prevention of graft coronary arteriosclerosis by antisense cdk2 kinase oligonucleotide," <i>Nature Med. 3:</i> 900-903, Nature Publishing Group (1997)	
	NPL7	Yamada, K. et al., BIOSIS Abstract No. PREV199799322964:1996	
	NPL8	Yamada, K. et al., "Efficient oligonucleotide delivery using the HVJ-liposome method in the central nervous system," Am. J. Physiol. 271:R1212-1220, American Physiological Society (1996)	
	NPL9	Supplementary Partial European Search Report for European Patent Application No. 99926878.2, mailed September 20, 2005	

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